

Remarks

Claims 2-4 and 7-26 are pending in this application. Claims 2 and 21 have been amended in various particulars as indicated hereinabove.

Claims 2-4 and 7-26 were rejected under 35 U.S.C. 112, second paragraph, for having insufficient antecedent basis. Claims 2 and 21 have been amended to correct the deficiency.

Claims 2-4, 7-15, 17-18 and 20-26 were rejected under 35 U.S.C. 103(a) as being unpatentable under Moskowitz, U.S. Publication No. 2003/0200439 (Moskowitz hereinafter), in view of Shieh, US Publication No. 2002/0184510 (Shieh hereinafter). This rejection is respectfully traversed for the following reasons.

Typically, for an obviousness rejection under 35 U.S.C. 103(a) to be proper, the Patent Office must show that each and every element of the invention were disclosed in the cited publications.

Claim 2 concerns a method of coupling a content tag with a content file transmission. Claim 21 concerns a method of inserting a content identifier with and transmitting electronic data. Claims 2 and 21 were rejected in the pending Office Action with identical references and nearly identical arguments. Because of the similarity in the rejections, the following remarks are intended to be responsive to claims 2 and 21.

Claim 2 requires, “associating the content tag indicating a type of service in accordance with the content of the content file transmission, wherein the content tag is created and associated with the content file transmission at a location where the content file transmission is originally published by an owner of the content that is authorized to distribute the content.”

Similarly, claim 21 requires, “inserting the content identifier in the electronic data at a location at which content is originally published by an owner of the content that is authorized to distribute the content.”

Adding content tags at a location where the content was originally published by the owner of the content is advantageous for multiple reasons. First, because the content tags are added by the owner of the content at a location where the content was originally published, the content will be distributed thereafter with the embedded tag. Likewise, because the content is distributed with the embedded content tags, the owners of the content will be able to better protect their desired business or legal interests and have greater control of the distribution of the content. See paragraph [0106] of U.S. Publication No. US 2004/0199604 A1, hereinafter Published Application.

The pending Office Action points to paragraphs [0027] and [0030] of Moskowitz to teach the claimed requirements. While the applied reference does disclose that a sender can add a watermark to the header of a packet, the applied reference fails to show that this action is performed at a location where the content was originally published and that the action is performed by the owner of the content that is authorized to distribute the content as claimed.

The pending Office Action argues that a sender capable of adding a watermark to content must be the owner of the content and authorized to distribute the content. See Response to Arguments, page 2 of pending Office Action. This conclusion, however, fails to comprehend real-world problems because it ignores the fact that with peer-to-peer networks or other file sharing tools thousands of users routinely share files that they are not authorized to distribute.

Conversely, in the present invention, the actual owner of the content adds a content tag at a location where the content is published so that when the content is distributed it will have the content tag already associated with the content.

Thus, because the applied references do not teach or suggest each and every element of the claimed invention the rejection of claims 2 and 21 should be withdrawn.

Additionally, claims 2 and 21 require determining whether content should be accorded a predetermined type of transmission service by contacting an external

authentication server at an address specified by the content tag. This operation is important because contacting external authentication servers based on an address specified in the content tag provides an authentication system that allows for greater control over the distributed content. Moreover, the relevant authentication servers can now be specified by the content owners--giving them greater control over their own content. See paragraph [0106] of the Published Application.

The Examiner concedes that Moskowitz does not teach contacting an external authentication server at an address specified by the content tag and authentication by the external authentication server. The Applicants agree with this assertion.

The pending Office Action points to Shieh to teach the claimed requirements. The applied reference, however, is directed toward a binding mechanism for packet media flows. While Shieh does disclose an authorization token and a packet media flow identifier, these components are used to identify the packet media flow of the session. See Shieh paragraph [0043]. Shieh does not teach determining whether content data should be accorded a predetermined type of transmission service by contacting an external authentication server at an address specified by the content tag as claimed.

Therefore, because the applied references do not teach or suggest each and every element of the claim invention the rejection of claims 2 and 21 should be withdrawn.

Claims 16 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable under Moskowitz and Shieh, in view of Jennings et al. US Publication No. 2002/0099842 (Jennings hereinafter). This rejection is respectfully traversed for the following reasons.

For the reasons enumerated above, it is believed that neither Moskowitz nor Shieh teaches or suggests each and every element of independent claim 2. Claims 16 and 19 depend from independent claim 2. The addition of the Jennings reference does not cure the deficiencies of Moskowitz and Shieh. Additionally, Jennings is directed only toward the subject matter of dependant claims 16 and 19.

Because the rejection independent claim 2 is improper, it is believed that the rejections dependant claims 16 and 19 are improper. Thus, the rejection of claims 16 and 19 should be withdrawn.

For the foregoing reasons, Applicants believe that the pending rejections should be withdrawn, and that the present application should be passed to issue. Should any questions arise, please contact the undersigned.

Respectfully submitted,

By /grant houston/
J. Grant Houston
Registration No.: 35,900
Tel.: 781 863 9991
Fax: 781 863 9931

Lexington, Massachusetts 02420
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